

AO 91 (Rev. 11/11) Criminal Complaint

UNITED STATES DISTRICT COURT

for the

Southern District of Texas

United States Courts
Southern District of Texas

FILED

September 17, 2020

David J. Bradley, Clerk of Court

United States of America

v.

Andrew Sanchez

Case No. **4:20mj1730***Defendant(s)*

CRIMINAL COMPLAINT

I, the complainant in this case, state that the following is true to the best of my knowledge and belief.

On or about the date(s) of April 18, 2020 in the county of Harris in the
Southern District of Texas, the defendant(s) violated:*Code Section**Offense Description*

18 U.S.C. § 2252A (a)(2)(B)

Distribution of Child Pornography

This criminal complaint is based on these facts:

See attached Affidavit.

☒ Continued on the attached sheet.*Complainant's signature*

Robert J. Guerra, FBI Special Agent

Printed name and title

Sworn to before me telephonically.

Date: September 17, 2020City and state: Houston, Texas*Judge's signature*

Peter Bray, United States Magistrate Judge

Printed name and title

**IN THE UNITED STATES DISTRICT COURT
FOR THE SOUTHERN DISTRICT OF TEXAS
HOUSTON DIVISION**

IN THE MATTER OF:

Andrew Sanchez

§
§

Case No. _____

AFFIDAVIT IN SUPPORT OF CRIMINAL COMPLAINT

I, Robert J. Guerra, being duly sworn, depose and state:

1. I am a Special Agent (SA) with the Federal Bureau of Investigation (FBI), assigned to the Special Agent in Charge (SAC), in Houston, Texas. I have been so employed since November 2005. As part of my daily duties as an FBI agent, I am assigned to the FBI Houston Child Exploitation unit, which investigates criminal violations relating to child exploitation and child pornography, including violations pertaining to the illegal production, distribution, receipt and possession of child pornography, in violation of Title 18 U.S.C. § 2251 and 2252A et seq. I have received training in the area of child pornography and child exploitation. I have had the opportunity to observe and review numerous examples of child pornography in all forms of media including computer media. Child Pornography, as defined in 18 U.S.C. § 2256, is:

“any visual depiction, including any photograph, film, video, picture, or computer or computer-generated image or picture, whether made or produced by electronic, mechanical, or other means, of sexually explicit conduct, where – (A) the production of such visual depiction involves the use of a minor engaging in sexually explicit conduct; . . . [or] (C) such visual depiction has been created, adapted, or modified to appear that an identifiable minor is engaging in sexually explicit conduct.” For conduct occurring after April 30, 2003, the definition also includes “(B) such visual depiction is a digital image, computer image, or computer-generated image that is, or is indistinguishable from, that of a minor engaging in sexually explicit conduct.”

2. This Affidavit is made in support of a criminal complaint charging Andrew Sanchez with violating Title 18 U.S.C. § 2252A (a)(2)(B) – distribution of child pornography. I am familiar with the information contained in this Affidavit based upon the investigation I have personally conducted and my conversations with other law enforcement officers involved in this investigation, or who have engaged in numerous investigations involving child pornography.

3. Because this Affidavit is being submitted for the limited purpose of securing a criminal complaint, I have not included each and every fact known to me concerning this investigation. I have set forth only those facts that I believe are necessary to establish probable cause that evidence of a violation of Title 18 U.S.C. § 2252A (a)(2)(B) has been committed by Andrew Sanchez beginning on or about April 18, 2020. Where statements of others are set forth in this Affidavit, they are set forth in substance and in part.
4. On April 20, 2020, The National Center for Missing and Exploited Children (NCMEC) received a complaint via their CyberTipLine from Yahoo! Inc. CyberTip Report 70051483 was reported to the NCMEC CyberTipLine by Yahoo! Inc. as a result of over 115 image files depicting child pornography being transmitted through a Yahoo! Inc. e-mail account. Yahoo! Inc., identified the e-mail account as andy051719@yahoo.com. Yahoo! Inc., also provided the name and telephone phone number provided by the creator of the e-mail account andy051719@yahoo.com as Andrew Sanchez and 832-935-7800.
5. According to CyberTip Report 70051483, all files were viewed by Yahoo! Inc., prior to the submission to NCMEC. In CyberTip Report 70051483, Yahoo! Inc., stated that there were approximately 116 image files of suspected child pornography transmitted on the internet via the email address andy051719@yahoo.com.
6. I have reviewed all of the files that were transmitted via theYahoo! Inc., e-mail account andy051719@yahoo.com and determined that at least 90 of the image files depict child pornography as defined by Title 18, United States Code, Section 2256. Below is a description of three files that meet the federal definition of child pornography that were transmitted via theYahoo! Inc., e-mail account andy051719@yahoo.com:
 - a.) **image.74-1.jpeg-** This is an image file depicting a minor female, who appears to be under the age of 10, engaged in a pose where the minor female's genitals are exposed in a lewd and lascivious manner.
 - b.) **image.36-1.jpeg-** This is an image file depicting a minor female, who appears to be under the age of 12, engaged in a pose where the minor female's genitals are exposed in a lewd and lascivious manner.
 - c.) **image.16-1.jpeg-** This is an image file depicting a minor female, who appears to be under the age of 14, engaged in a pose where the minor female's genitals are exposed in a lewd and lascivious manner.

7. Yahoo! Inc., stated that the e-mail address andy051719@yahoo.com has since been disabled and the images transmitted by the user are no longer accessible as of the date of the CyberTip Report 70051483. Yahoo! Inc., provided the IP address utilized by the user on April 18, 2020, at 2:19 pm UTC to transmit the files referenced in paragraph 6 as 2607:fb90:5efe:366f:c44d:7abc:4ed1:1a42. Both the telephone number (832-935-7800) and IP address provided by Yahoo! Inc., in the CyberTip Report 70051483 were found to be owned by T-Mobile USA, Inc.
8. An administrative subpoena was served on T-Mobile USA, Inc. requesting information relating to the subscriber assigned the telephone number 832-935-7800 as well as information relating to the subscriber assigned the IP address 2607:fb90:5efe:366f:c44d:7abc:4ed1:1a42 on April 18, 2020 at 2:19 pm UTC. T-Mobile USA, Inc. identified the subscriber assigned the telephone number 832-935-7800 as Andrew Sanchez, 12502 Green Damer, San Antonio, Texas, with an activation date of February 25, 2020. T-Mobile USA, Inc., also identified the subscriber that was assigned the said IP address on April 18, 2020, as the as the same subscriber of the telephone number 832-935-7800, Andrew Sanchez.
9. Searches of open source and law enforcement sensitive databases revealed Andrew Sanchez has a date of birth of May 17, 1952. The same open source database shows Sanchez's current address as certain address located on Liberty Road, Houston, Texas.
10. A check of the Texas DPS Sex Offender Registry website showed Andrew Sanchez being a lifetime registered sex offender residing at a certain address located on Liberty Road, Houston, Texas. Sanchez was last verified on May 19, 2020. On September 9, 2020, the Harris County Sex Offender Compliance Department confirmed that Andrew Sanchez resides the address located on Liberty Road, Houston, Texas .
11. A National Crime Information Center (NCIC) criminal history check was conducted for Andrew Sanchez. NCIC records indicated that Andrew Sanchez was convicted twice in Bexar County, Texas in 2008, for Possession of Child Pornography and again in 2013, also for Possession of Child Pornography.
12. On September 17, 2020, FBI Houston executed a federal search warrant at a certain address located on Liberty Road, Houston, Texas. Upon the execution of said search warrant


authorized by United States Magistrate Judge Sam S. Sheldon, agents identified and interviewed Andrew Sanchez.

13. After being advised of his *Miranda Rights*, Sanchez agreed to make a statement. Sanchez stated that he had been residing in his current residence since February 2020. Sanchez admitted to owning two cellular devices. Sanchez provided the telephone numbers for his devices as 832-571-4412 and 832-935-7800. When asked if any child pornography would be found on either of his devices, Sanchez stated there would not be any child pornography found. Sanchez stated that the email address andy051719@yahoo.com could have been an email address he used previously, but he could not remember. Sanchez then requested to have an attorney present, the interview was then terminated and no further questions were asked.
14. The cellular telephone number 832-935-7800, which was provided by Sanchez to the interviewing agents matches the telephone number provided by the user of the Yahoo!, Inc. email address detailed in paragraphs 4-7. That same phone number was identified as being the T-Mobile USA, Inc., subscriber assigned the IP address used to upload the images depicting child pornography described in paragraph 6. Lastly, the device identified by T-Mobile USA, Inc. as being utilized by the subscriber assigned the telephone number of 832-935-7800 was a Motorola G7 Play, which is the same device that was found in the possession of Andrew Sanchez.
15. Based upon the information delineated above, I believe that probable cause exists for the issuance of a Criminal Complaint charging Andrew Sanchez with a violation of Title 18 U.S.C. § 2252A (a)(2)(B) – distribution of child pornography.



Robert J. Guerra
Special Agent, FBI

Subscribed and sworn to before me, via telephone, this 17th of September 2020.



Peter Bray
United States Magistrate Judge